

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James Harold Lawson, Jr., :  
Plaintiff : Civil Action 2:12-cv-00533

v. : Judge Smith

Jessica McQuate and Dino Cardaras, : Magistrate Judge Abel  
Defendant :  
:

**ORDER**

Plaintiff James Harold Lawson, Jr., a state prisoner, brings this action alleging that defendants Jessica McQuate and Dino Cardaras violated his Eighth Amendment rights. This matter is before the Court on Magistrate Judge Abel's November 15, 2012 Report and Recommendation that defendants Jessica McQuate and Dino Cardaras' motion for judgment on the pleadings be granted to the extent that plaintiff seeks to litigate a state law claim for medical negligence. The Magistrate Judge recommended that plaintiff's Eighth Amendment claim brought pursuant to 42 U.S.C. § 1983 continue. No objections have been filed to the Report and Recommendation.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation and **GRANTS** defendants' motion for judgment on the pleadings on plaintiff's state law claim for medical negligence. Plaintiff's claim based on the Eighth Amendment remain pending.

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George C. Smith  
George C. Smith

United States District Judge